UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,264	03/01/2004	Siroos K. Afshar	2003-0266	3519

26652   7590   02/17/2009
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EXAMINER
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ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
02/17/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 November 2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-44* is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-44* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *09 September 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All   b)☐ Some * c)☐ None of:
         1.☐ Certified copies of the priority documents have been received.
         2.☐ Certified copies of the priority documents have been received in Application No. _____.
         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

DETAILED ACTION

Response to Amendment

1.   Applicant's amendment filed on November 28, 2008 has been entered.

Claims 2 and 42 have been amended. No claims have been cancelled. No

claims have been added. Claims 1-44 are still pending in this application, with

claims 1, 16, 19, 25, 31, and 42 being independent.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-44 are rejected under 35 U.S.C. 102(e) as being anticipated by

Peters, Jr. et al. (US Patent Application, Pub. No.: US 2008/0107130 A1).

3.   In regards to claim 1, Peters, Jr. discloses a scalable system for providing

real time communication services between user devices (e.g., communication

devices) (See pg. 1, paragraph [0004]), the scalable system comprising: at least

one call control element (CCE) (See Fig. 2 and Call Control Element (CCE) 24)

providing system call control functions (See pg. 2, paragraph [0021]); at least one

scalable border element (BE) (See Fig. 2 and Border Elements (BEs) 26a-26d)

providing scalable system interface functions and in communication with said

CCE (See pg. 2, paragraph [0022]); a first user device (See Fig. 2 and first

communication device 22a) for initiating a call and in communication with said

scalable BE; and a second user device (See Fig. 2 and second communication

device 22b) acting as a call destination device and in communication with said

scalable BE (See pg. 3, paragraph [0029] – [0030]).

4.   In regards to claims 2 and 32, Peters, Jr. discloses the scalable system

and decomposed BE, wherein the at least one scalable border element (BE)

providing scalable system interface functions further comprises: signaling

functions including call setup signaling functions; media control functions

including transcoding functions; security functions including firewall and

encryption and decryption functions; and call admission control functions

including call authentication functions (See pg. 4, paragraph [0041]).

5.   In regards to claim 3, Peters, Jr. discloses the scalable system, wherein

the at least one scalable border element further comprises: a BE signaling entity

providing BE signaling functions and in communication with said CCE (See pg. 2,

paragraph [0022]); a first BE media entity providing BE media functions in

communication with said BE signaling entity and in communication with said first

user device for initiating a call; and a second BE media entity providing BE media

functions in communication with said BE signaling entity, in communication with

said first BE media entity for media transfers and in communication with said

second user device acting as a call destination device (See pg. 3, paragraph

[0029] – [0030]).

6.   In regards to claims 4, 23, 28, and 35, Peters, Jr. discloses the scalable

system, BE signaling entity, BE media entity, and decomposed BE, wherein the

BE signaling functions further comprises: user agent functions; proxy functions;

and back to back user agent functions (See pg. 2, paragraph [0021] – [0022]).

7.   In regards to claims 5, 24, 29, and 37, Peters, Jr. discloses the scalable

system, BE signaling entity, BE media entity, and decomposed BE, wherein the

BE media functions further comprises: dual tone multi-frequency (DTMF) digit

detection; real time protocol (RTP) re-origination; firewall/NAT functions; and

media transcoding functions (See pg. 3, paragraph [0029] and pg. 4, paragraph

[0041]).

8.   In regards to claim 6, Peters, Jr. discloses the scalable system, further

comprises: at least one application server (AS) (See Fig. 2 and Application

Servers (ASs) 32a-32b) providing at least one scalable system service function

and in communication with said CCE (See pg. 2-3, paragraph [0024] and pg. 4,

paragraph [0039]).

9.   In regards to claims 7, 20, and 36, Peters, Jr. discloses the scalable

system, BE signaling entity, and decomposed BE, wherein the communication

with said CCE uses a session initiation protocol (SIP) (See pg. 2, paragraph

[0022]).

10.   In regards to claims 8, 21, 26, and 38, Peters, Jr. discloses the scalable

system, BE signaling entity, BE media entity, and decomposed BE, wherein the

said communication with the BE signaling entity is a master/slave protocol where

the BE signaling entity acts as the master and the BE media entity acts as the

slave (See pg. 2, paragraph [0022] and pg. 3, paragraph [0027]).

11.   In regards to claim 9, Peters, Jr. discloses the scalable system, further

comprises: said first BE media entity and said second BE media entity located

physically apart from each other and in closer proximity to said user devices than

to said BE signaling entity; and a call being placed between the said first and

second user devices comprising signaling messages and media transfers,

wherein the timing threshold for the signaling messages is less than a few

seconds and the timing threshold for the media transfers is less than 300

milliseconds or a value not to exceed the perceptible limit of naturalness of

interactive human communication (See pg. 3, paragraph [0029] – [0030]).

12.   In regards to claim 10, Peters, Jr. discloses the scalable system, wherein

upon a DTMF digit is detected by the BE media entity the BE media entity

notifies the BE signaling entity of DTMF digit detection which notifies the AS of

the event over a separate signaling path (See pg. 3, paragraph [0029] – [0030]

and pg. 4, paragraph [0039]).

13.   In regards to claim 11, Peters, Jr. discloses the scalable system, further

comprises: a call admission control (CAC) entity in communication with said

scalable BE and in communication with said CCE; a media server (MS) entity

(See Fig. 2 and Media Server (MS) 30) in communication with said CCE; a

service broker (SB) entity (See Fig. 2 and Service Broker (SB) 36) in

communication with said CCE; and a network routing engine (NRE) (See Fig. 2

and Network Routing Engine (NRE) 33) in communication with said CCE (See

pg. 2, paragraph [0018]).

14.   In regards to claim 12, Peters, Jr. discloses the scalable system, wherein the at least one scalable border element further comprises: a BE signaling entity providing BE signaling functions and in communication with said CCE; a first BE media entity providing BE media functions in communication with said BE signaling entity; a second BE media entity providing BE media functions in communication with said BE signaling entity and in communication with said first BE media entity for-media transfers; a first BE firewall/network address translation (FW/NAT) entity providing BE FW/NAT functions in communication with said first BE media entity and in communication with said first user device for initiating a call; and a second BE firewall/network address translation (FW/NAT) entity providing BE FW/NAT functions in communication with said second BE media entity and in communication with said second user device acting as a call destination device (See pg. 2, paragraph [0021] – [0022]).

15.   In regards to claim 13, Peters, Jr. discloses the scalable system, wherein the BE media functions further comprises: dual tone multi-frequency (DTMF) digit detection; real time protocol (RTP) re-origination; and media transcoding functions (See pg. 3, paragraph [0029] – [0030]).

16.   In regards to claim 14, Peters, Jr. discloses the scalable system, wherein the at least one scalable border element further comprises: a BE signaling entity providing BE signaling functions and in communication with said CCE; at least one media transcoding entity providing BE media transcoding functions; a first BE media entity providing BE media functions in communication with said BE

signaling entity and in communication with said at least one media transcoding

entity; a second BE media entity providing BE media functions in communication

with said BE signaling entity, in communication with said first BE media entity for

media transfers and in communication with said at least one media transcoding

entity; a first BE firewall/network address translation (FW/NAT) entity providing

BE FW/NAT functions in communication with said first BE media entity and in

communication with said first user device for initiating a call; and a second BE

firewall/network address translation (FW/NAT) entity providing BE FW/NAT

functions in communication with said second BE media entity and in

communication with said second user device acting as a call destination device

(See pg. 2, paragraph [0021] – [0022]).

17.   In regards to claim 15, Peters, Jr. discloses the scalable system, wherein

the BE media functions further comprises: dual tone multi-frequency (DTMF) digit

detection; and real time protocol (RTP) re-origination (See pg. 3, paragraph

[0029] – [0030]).

18.   In regards to claim 16, Peters, Jr. discloses a method of connecting a call

between user devices (e.g., communication devices) using a scalable system

with user devices external to the scalable system (See pg. 1, paragraph [0004]),

the method comprising: connecting a user device (See Fig. 2 and first

communication device 22a) for initiating a call to a first BE media entity and to a

BE signaling entity; receiving in the BE signaling entity a signaling message from

a user device to setup a call; communicating the signaling message from the BE

signaling entity to a call control element (CCE) (See Fig. 2 and Call Control

Element (CCE) 24) that manages the call flow process and determines a path to a destination user device (See Fig. 2 and second communication device 22b) and a second BE media entity associated with the destination user device (See pg. 2, paragraph [0021] – [0022]); opening pinholes for media streams; connecting the said first BE media entity to the second BE media entity for media transfers; communicating between the CCE and the second BE media entity to determine if transcoding is required and if it is invoking the appropriate BE media entity to provide the transcoding function; and establishing the call connection between the user device initiating the call and the destination user device (See pg. 3, paragraph [0029] – [0030]).

19.   In regards to claim 17, Peters, Jr. discloses the method, wherein the call connection may be terminated, the method further comprises: communicating between said CCE and said BE signaling entities when either said user device indicates it is ending the call; and communicating call termination from said CCE to said first and second BE media entities to close the pinholes thereby terminating the call (See pg. 2-3, paragraph [0024]).

20.   In regards to claim 18, Peters, Jr. discloses the method, wherein said CCE that manages of the call flow process and determines the destination BE and its associated BE media entity further comprises: communicating with a service broker to determine whether a service feature is required; communicating with an application server to service the call; and communicating with a media server to provide media stream functions if required (See pg. 2, paragraph [0018]).

21   In regards to claims 19, 25, and 31, Peters, Jr. discloses a border element

(BE) signaling entity, BE media entity, and decomposed BE providing signaling

functions to at least one connected BE media entity (Fig. 2 and Border Elements

(BEs) 26a-26d) providing media functions and a connected call control element

(CCE) (See Fig. 2 and Call Control Element (CCE) 24), the BE signaling entity

comprising: a communication interface to said BE media entity; and a

communication interface to said CCE (See pg. 2, paragraph [0021] – [0022]).

22.   In regards to claims 22, 27, and 39, Peters, Jr. discloses the BE signaling

entity, BE media entity, and decomposed BE, wherein the master-slave protocol

is media gateway control protocol (MGCP) or media gate control protocol

(MEGACO) or internet protocol device control (IPDC) (See pg. 2, paragraph

[0019]).

23.   In regards to claims 30 and 40, Peters, Jr. discloses the BE media entity

and decomposed BE, wherein the communication interface to at least one other

BE media entity uses real time protocol (RTP) (See pg. 3, paragraph [0029]).

24.   In regards to claim 33, Peters, Jr. discloses the decomposed BE, wherein

the call setup signaling functions further comprises: access control functions for

security; quality of service functions; and accounting functions (See pg. 3,

paragraph [0029] and pg. 4, paragraph [0041]).

25.   In regards to claim 34, Peters, Jr. discloses decomposed BE, wherein the

transcoding functions further comprises: determination whether transcoding is

required; determining the type of transcoding required; setting up the path to

include transcoding if required; and transcoding the communications between

connected users if required (See pg. 3, paragraph [0029] – [0030]).

26.   In regards to claims 41, Peters, Jr. discloses the decomposed BE, wherein

the communication with at least one user device uses RTP (See pg. 3, paragraph

[0029]) and SIP (See pg. 2, paragraph [0022]).

27.   In regards to claim 42, Peters, Jr. discloses a computer-readable medium

encoded with computer executable instructions that when executed cause a

computer system to perform call connection services between user devices using

decomposed border elements (BEs), made up of at least one BE signaling entity

and a plurality of BE media entities (See Fig. 2 and Border Elements (BEs) 26a-

26d), between the user devices and the computer system, by performing the

steps of: connecting a user device (See Fig. 2 and first communication device

22a) for initiating a call to a first BE media entity and to a BE signaling entity;

receiving in the BE signaling entity a signaling message from a user device to

setup a call; communicating the signaling message from the BE signaling entity

to a call control element (CCE) (See Fig. 2 and Call Control Element (CCE) 24)

that manages the call flow process and determines a path to a destination user

device and a second BE media entity associated with the destination user device

(See Fig. 2 and second communication device 22b); opening pinholes for media

streams; connecting the said first BE media entity to the second BE media entity

for media transfers; communicating between the CCE and the second BE media

entity to determine if transcoding is required and if it is invoking the appropriate

BE media entity to provide the transcoding function (See pg. 2, paragraph [0021]

– [0022]) ; and establishing a call connection between the user device initiating

the call and the destination user device (See pg. 3, paragraph [0029] – [0030]).

28.   In regards to claim 43, Peters, Jr. discloses the computer readable

medium, wherein the call connection may be terminated, by further performing

the steps of: communicating between said CCE and said BE signaling entities

when either said user device indicates it is ending the call; and communicating

call termination from said CCE to said first and second BE media entities to close

the pinholes thereby terminating the call (See pg. 2-3, paragraph [0024]).

29.   In regards to claim 44, Peters, Jr. discloses the computer readable

medium, wherein said CCE that manages of the call flow process and

determines the destination BE and its associated BE media entity by further

performing the steps of: communicating with a service broker to determine

whether a service feature is required; communicating with an application server

to service the call; and communicating with a media server to provide media

stream functions if required (See pg. 2, paragraph [0018]).

Response to Arguments

30.   Applicant's arguments with respect to claims 1-44 have been considered

but are moot in view of the new ground(s) of rejection.

Conclusion

31.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.   Peters, Jr. et al. (US 7,330,483) teach a Session

Initiation Protocol (SIP) message incorporating a multi-purpose Internet mail

extension (MIME) media type for describing the content and format of information

included in the SIP message. Ganesan et al. (US Patent Application, Pub. No.:

US 2008/0084874 A1) teach a Session Initiation Protocol (SIP) messages

incorporating address and/or routing information obtained from a contact header

or a redirect message. Samarasinghe et al. (US Patent Application, Pub. No.:

US 2004/0028080 A1) teach a method of defining a SIP message body for

communications between core network elements.

32.   Any inquiry concerning this communication or earlier communications

from the examiner should be directed to THJUAN K. ADDY whose telephone

number is (571)272-7486. The examiner can normally be reached on Mon-Fri

8:30-5:00pm.

33.   If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The

fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

34.   Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

/Thjuan K. Addy/
Primary Examiner, Art Unit 2614